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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/562,343

08/09/2006

Ari Kahn

SSBR-0005

4122

23377 7590 10/30/2009
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EXAMINER

NGUYEN, PHUNG HOANG JOSEPH

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

10/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,343	Applicant(s) KAHN, ARI	
	Examiner PHUNG-HOANG J. NGUYEN	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/19/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/25/2009 has been entered.

Current standing of the application:

Claims amended: 1-3,

Claims newly added: 19

Claims pending: 1-19 with claim 1 being independent.

Claims/Specifications Objection

2. The remark/reply on 9/25/09 is not fully responsive to the prior office action because of the followings matter or omission:

Applicant should always show support in the original disclosure for the new or amended claims. (See MPEP 714.02 and 2163.06). Examiner respectfully requests the applicant to observe this practice in the future prosecution.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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3. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 7 recites as follow: "A method of operating a telephony service according to claim 1, wherein the command signal is issued by the caller prior to the call connect command". Is it possible to send a command signal prior to call connect command? Where/what destination the ordinary artisan would send the command signal? Or should this be done during the call setup connection which appears to be more technically possible? Clarification is required.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 recites "the received command". Is it the same as "a command signal" in claim 1". Examiner reads it as the same. Clarification required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 3-6 are rejected under 35 USC 102(e) as being anticipated by Albal et al (US Pat. 6,700,962).

Claim 1, Albal teaches a method of operating a telephony service on a telephony network, the method comprising:

establishing a telephonic connection between a caller and a call recipient **(Fig. 1 showing the communication connection between users 20 and 32 via devices 12 and 22 through the networks 14 and 18 with node 16. The communication devices 12, 22 of the communication system 10 can be utilized by end users 20, 32 to access and/or connect with the communication node 16, col. 1, line 61 – col. 2, line 45);**

receiving a command signal on a network device during a call set-up phase in the call process **(the end user may perform a variety of tasks or transactions, which may include, for example, storing account identification information, preferably commenced by the reception of a command signal at a communication node at block 520. The communication node may receive the command signal from a communication device, col. 5, lines 6-12);** and

initiating a transaction between the caller and the call recipient **(the end user may perform a variety of tasks or transactions, which may include, for example, storing account identification information, preferably commenced by the reception of a command signal at a communication node at block 520. The communication node may receive the command signal from a communication**

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device, col. 5, lines 6-12), as applied to the call set up information, in response to receiving the command signal, the transaction being other than a standard call connection transaction (*The input signal is preferably received when the end user accesses the services of the communication node, such as, for example, dialing into the communication node from a communication device. The input signal may include a telephone number, an Electronic Serial Number (ESN), a login name or password (as in the case of a PC), or any other presently known method of accessing the communication node, Col. 4, lines 57-64*), the transaction affecting billing for the telephonic connection (*the billing server unit 238 can record data about the use of the communication node 212 by an end user (e.g., length of calls, features accessed by the end user, etc.). Upon completion of a call by an end user, the call control unit 236 sends data to the billing server unit 238. The billing server unit 238 can subsequently process the data in order to prepare customer bills. The billing server unit 238 can use the ANI or CLI of the communication device to properly bill the end user, col. 10, lines 54-61. Also see fig. 2, col. 2, line 64 – col. 3, line 62 for how an end user may conduct a transaction...*); and

wherein the command signal is transmitted from telephone equipment of the caller (*The communication node may receive the command signal from a communication device, col. 5, line 12*) and being other than a standard call connect or disconnect command (*The input signal is preferably received when the end user accesses the services of the communication node, such as, for example, dialing*

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into the communication node from a communication device. The input signal may include a telephone number, an Electronic Serial Number (ESN), a login name or password (as in the case of a PC), or any other presently known method of accessing the communication node, Col. 4, lines 57-64).

Claim 3, see claim 1 on the initiating a transaction between the caller and the call recipient.

Claim 4, Albal teaches transmitting a prompt indicating a request to provide the command signal (***voice announcements and/or messages to prompt the end user to provide inputs to the communication node 212 using voice commands or DTMF signals, col. 8, lines 10-18).***

Claims 5 and 6, Albal teaches the transaction is automatically initiated in response to at least one criteria; and at least one criteria is an attribute associated with the caller or call recipient (***end user 20 may conduct a transaction, such as, for example, a credit card, a debit card, a charge card, a prepaid card, a smart card, a telephony card, an e-check or a wire transfer, col. 3, lines 1-4).***

Claim 2 is rejected under 35 U.S.C.103 (a) as being unpatentable over Albal in view of Wieczorek (EP 1 271 911).

Claim 2, Albal does not... but Wieczorek teach method of operating a telephony service wherein the received command overrides the conventional billing protocol of a telephony network supporting the telephony service (the system being of the type in which calls are normally billed to calling party. Now before the establishment of the call,

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called party is presented the charging option where by the called opts to pay for some or all cost, par. 0009).

Therefore it would have been obvious to the ordinary artisan to incorporate the teaching of Wieczorek into the teaching of Albal to clearly provide the option for either or both calling and called parties an opportunity to pay for some or all the cost of the telephone transaction. This option would overcome the conventional billing protocol that has been practiced in the past.

Claim 8 is rejected under 35 U.S.C.103 (a) as being unpatentable over Albal in view of Parsons et al (US Pub 2002/0085701).

Albal teaches operating a telephony service but does not teach the command signal is appended to a dialed telephone number.

Parsons teaches the feature of appending a message to a dialed number as Parsons discusses *“the IVR may be further configured to allow certain or all of these messages to be appended with numeric information (since callers almost universally will be able to enter numbers via a phone keypad). For example, the “call me” message can be appended with the caller’s phone number. The IVR 214 provides the messaging application 210 with the caller’s message selection and any appended message information, [0102]”* to provide unified communications and messaging management based on a user’s presence information, (Abstract”).

Therefore it would have been obvious to the ordinary skilled artisan at the time of the invention was made to incorporate the teaching of Parsons into the teaching of Albal

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for the purpose of enhancing the telephone service by not just sending the telephone number for connection but also unifying the telephone number and the appended signal or code of service (e.g., billing, charging, banking, restaurant...) as one to the recipient.

Claims 9-13 and 19 are rejected under 35 U.S.C.103 (a) as being unpatentable over Albal in view of Guibourge (US Pub 2004/0119755).

As to claims 9-13 and 19, Albal teaches operating a telephony service wherein the data signal is associated with the activation of at least one key of a telephone (see *claim 1*). Furthermore (as specifically to claim 12), Albal teaches the command signal is received from a telephone, and wherein the telephone, upon activation of a dedicated key, transmits the command signal (***The communication node 212 also includes a detection unit 260. The detection unit 260 is preferably a phrase or key word spotter unit, detecting incoming audio inputs or communications or DTMF signals from the end user, col. 10, lines 33-37***).

Albal does not teach:

a plurality of keys are associated with a plurality of transactions, and wherein each of the plurality of keys is associated with a single transaction from among the plurality of transactions;

a "*" key is associated with telephony and billing functions, a "0" key is associated with interactive network operator and information services access, and a "#" key is associated with commercial banking transactions between the caller and the call recipient;

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the dedicated key is selected from a group comprising a "@" symbol, a color coded key, a programmable key, a menu item, and a button; and

the command signal is transmitted from the telephone equipment of the caller by operation of one individual key on said telephone equipment.

Guibourge teaches "quick dialing methods and systems for use with communications devices are described. Such communications devices are often characterized by a limited keypad to enter and access contact numbers. The described quick dialing technique reduces the number of keys used to dial a number, and thus a device using the technique may be operated blindly or with one hand, par. 0005).

Furthermore, Guibourge teaches attributes such as colors, sounds, text fonts, graphics (i.e., pictures, icons, photos, images, animations, and bitmaps), and sorting methods are optionally assigned to lists and to the contacts within each list. When a contact is selected or dialed by actuating a key, for example, color and sound attributes associated with the list containing the contact are displayed, thereby providing visual and non-visual cues that correct keys have been actuated.

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to incorporate the teachings of Guibourge into Albal for the purpose of providing the greater service to the subscriber who can program their phone and assign a specific function or service for different key on the pad. Few examples are listed as banking, movie, school, library, restaurant, friend or family and many more. It is also leave the choices to the subscriber to assign any specific key to his or her choice of service. If one would want to associate the "#" key with commercial

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banking transactions, it would be his/her choice. If one would want to color-coded or (illumination) light-code, it would also be his/her choice. Even from the development perspective, it would also be obvious to practice that it is an engineering design to assign a specific key of choice to specific function or service for the most convenience. (Examiner's point of clarification: It is well-known in the art that key "0" was reserved for the network operator and information services access. However, with the big leap of telephonic advancement with so many pioneering developments in this filed, greater demands for better and quick service came along, key "0" is now reserved for interacting with the network operator while "411" is assigned to the information services access. Similar in practice, "911" is for emergency).

Claim 14, Albal teaches a method of operating a telephony service wherein the command signal is received from a telephone, and wherein the telephone, upon activation of a biometric trigger, transmits the command signal **(voice personality, speech recognition models ...col. 6, lines 45-54).**

Claim 15, Albal teaches operating a telephony service wherein the command signal comprises an audio tone transmitted from a mobile telephone **(audio inputs or communications or DTMF signals from the end user, col. 10, lines 33-37).**

Claim 16, Albal teaches a method of operating a telephony service comprising automatically associating a function indicated by the command signal with the caller as identified by a telephone number of the caller **(the end user can access the electronic network 206 by dialing a single direct access telephone number (e.g., a foreign**

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exchange telephone number, a local telephone number, or a toll-free telephone number or PBX) from the communication device 201, col. 5, lines 48-52).

Claims 17 and 18, Albal teaches the telephone number of the caller is derived from a caller line identity (CLI); and automatically associating the transaction with the command signal based on the call recipient ***(when an end user accesses the electronic network 206 from a communication device 201, 202, 203, 204, 205 registered with the system (e.g., home telephone, work telephone, cellular telephone, etc.), the communication node 212 can by-pass an end user screening option and automatically identify the end user (or the type of communication device) through the use of ANI or CLI, Col. 6, lines 55-61).***

INQUIRY

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUNG-HOANG J. NGUYEN whose telephone number is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 8:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571 272 7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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